

REGULAR WEEKLY SESSION—ROANOKE CITY COUNCIL

September 15, 2003

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, September 15, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2. Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, and Mayor Ralph K. Smith----6.

ABSENT: Council Member M. Rupert Cutler-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Johnny Stone, Pastor, Hill Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

DECEASED PERSONS-LIBRARIES: Mr. Harris offered the following resolution memorializing the late Betty Brooke Morris Parrott:

(#36473-091503) A RESOLUTION memorializing the late Betty Brooke Morris Parrott, wife of former Council Member John H. Parrott.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Harris moved the adoption of Resolution No. 36473-091503. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

On behalf of the City of Roanoke and the Members of Council, the Mayor presented a ceremonial copy of Resolution No. 36473-091503 to Mr. Parrott.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to five requests for closed sessions to discuss vacancies on boards and commissions and the terms of contracts in negotiation.

MINUTES: Minutes of the regular meeting of Council held on Monday, July 21, 2003, and recessed until Thursday, July 31, 2003, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Cutler was absent.)

(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by the Council, as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Cutler was absent.)

(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

CITY COUNCIL-CITIZEN OF THE YEAR: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss the Citizen of the Year award as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Cutler was absent.)

(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss the disposition of publicly-owned property as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch and Mayor Smith -----5.

NAYS: None-----0.

(Council Member Cutler was absent.)

(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene a Closed Meeting to discuss the disposition of publicly-owned property, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss the disposition of publicly-owned property as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch and Mayor Smith -----5.

NAYS: None-----0.

(Council Member Cutler was absent.)

(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss the disposition of publicly-owned property as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch and Mayor Smith -----5.

NAYS: None-----0.

(Council Member Cutler was absent.)

(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

FRANCHISES-CITY COUNCIL-CABLE TELEVISION: A communication from the City Manager requesting that Council schedule a public hearing for Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, with regard to adoption of a revised Cable Television Ordinance and approval of renewal of the Franchise Agreement, was before the body.

The City Manager advised that City of Roanoke representatives, along with representatives of Roanoke County and the Town of Vinton, have been negotiating a renewal of the Cable Television Franchise Agreement between the City and CoxCom, Inc., d/b/a Cox Communications Roanoke, which will also involve adoption of a revised Cable Television Ordinance for the City.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager that a public hearing be held on Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch and Mayor Smith -----5.

NAYS: None-----0.

(Council Member Cutler was absent.)

(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee held on Tuesday, September 2, 2003, were before Council.

The following items were discussed:

Internal Audit Report:

Real Estate Valuation

Sheriff's Canteen Fund and Jail Inmate Fund

Purchasing Cards

Facilities Management

School Safety - Update

Municipal Auditing Annual Plan - June 30, 2004

Audit Committee Annual Report - June 30, 2003

Municipal Auditing Annual Report - June 30, 2003

Mr. Fitzpatrick moved that the Minutes of the meeting of the Audit Committee be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch and Mayor Smith -----5.

NAYS: None-----0.

(Council Member Cutler was absent.)

(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

COMMITTEES-TOWING CONTRACT: A report of qualification of Michael W. Conner as a member of the Towing Advisory Board, for a term ending June 30, 2006, was before Council.

Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch and Mayor Smith -----5.

NAYS: None-----0.

(Council Member Cutler was absent.)

(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

BUDGET-COMMONWEALTH'S ATTORNEY: A report of the Commonwealth's Attorney presenting cost collection results for fiscal year 2002-2003, was before Council.

(For full text, see report on file in the City Clerk's Office.)

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that the Help Eliminate Auto Theft (H.E.A.T.) Program is a cooperative effort between the Virginia Department of State Police, the Department of Motor Vehicles, and 161 local law enforcement agencies across the Commonwealth of Virginia; based on population, Virginia has enjoyed a 25.6%

decrease in the number of auto thefts since implementation of the H.E.A.T. Program in 1992; and as part of the 2002-2003 H.E.A.T. Program, funds were allocated in the form of grants to financially support implementation of new auto theft enforcement initiatives by law enforcement agencies.

It was further advised that in recognition of a continuing trend of auto thefts occurring in the Roanoke Valley, the Police Department developed a plan to proactively address thefts; on August 5, 2003, the Commonwealth of Virginia Department of State Police awarded the City of Roanoke \$6,911.00 in grant funds to establish a "Bait Vehicle Program"; grant funds will be used to purchase the appropriate bait vehicle equipment and software needed to successfully operate one bait vehicle; the goal of the "Bait Vehicle Program" is to aid law enforcement officers and detectives with reduction of auto thefts in the Roanoke Valley; using the Police Department's crime analysis statistics, the bait vehicle will be used in areas where frequent vehicle thefts occur; information retrieved from the bait vehicle will also provide the Court with comprehensive verifiable case information to aid in the successful prosecution of auto theft cases; and once established, the program will serve as a deterrent for future car thieves.

The City Manager recommended that she be authorized to accept a grant of \$6,911.00 from the Commonwealth of Virginia Department of State Police, subject to approval as to form by the City Attorney; and that Council appropriate State grant funds in the amount of \$6,911.00, with a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36474-091503) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36474-091503. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

Mr. Dowe offered the following resolution:

(#36475-091503) A RESOLUTION authorizing the acceptance of the Help Eliminate Auto theft (H.E.A.T.) Grant offer made by the Commonwealth of Virginia Department of State Police and authorizing the execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36475-091503. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

CITY CODE-ANIMALS/INSECTS-FIREARMS: The City Manager submitted a communication advising that the City continues to address issues relating to options for the management of deer population; a temporary solution to managing the City's deer population has been developed that would utilize two retired Roanoke police officers as temporary City employees who, working as a team, will remove antler-less deer through use of a suppressed rifle provided by the City; and implementation of the temporary plan is scheduled to begin in October 2003.

It was further advised that Section 21-80 of the Code of the City of Roanoke (1979), as amended, states that "it shall be unlawful for any person to shoot any gun, pistol or any other firearm within the limits of the City, except in the case of urgent necessity, this section shall not apply to members of the city police force, members of the established armed forces and members of bona fide gun clubs, shooting ranges approved by the City Council and established in the City for their use, and

persons shooting in licensed shooting galleries”; while the City Code provides an exception for police officers, the temporary employees will not be “members of the city police force” inasmuch as they will be hired for the deer program exclusively; and there is no provision in Section 21-80 that allows for the discharge of a firearm for the purpose of culling the antler-less deer population.

It was explained that the proposed amendment to Section 21-80 states that “persons authorized by the City to cull antler-less deer under the conditions of the Urban Deer Management Program Permit (DPOPP) granted to the City by the Virginia Department of Game and Inland Fisheries” will be allowed to discharge a firearm within the limits of the City; and the proposed amendment to Section 21-80 will enable the City to implement its deer management plan.

The City Manager recommended that Council adopt an ordinance amending Section 21-80 of the City Code with regard to the discharging of firearms.

Mr. Dowe offered the following ordinance:

(#36476-091503) AN ORDINANCE amending and reordaining Section 21-80, Discharging Firearms, Article III, Weapons, of Chapter 21, Offense-Miscellaneous, of the Code of the City of Roanoke (1979), as amended, to exempt persons authorized by the City to cull antler-less deer from the application of Section 21-80; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36476-091503. The motion was seconded by Mr. Fitzpatrick.

Mr. Joseph Schupp, 2323 South Jefferson Street, a member of the City’s Wildlife Task Force, commended the City of Roanoke on moving ahead with a portion of the recommendations of the Wildlife Task Force. He advised that the Wildlife Task Force recommended a two-prong approach, i.e.: implementing an urban archery program and a sharpshooting program; one program without the other will not solve the deer problem, but will represent a good start, and the urban archery portion of the recommendations is an important and necessary step. He presented an outline that the City could use to ensure strongly controlled situations regarding the selection of qualified archers, and advised that other cities currently involved in urban archery include Colonial Heights, Franklin, Lynchburg, Martinsville, and the Towns of Altavista, Amherst, Blacksburg, Chistiansburg,

Farmville, Independence, Tazewell, West Point and Fairfax County. He stated that sharpshooting alone is costly and will not resolve the problem, and implementing the urban archery phase will demonstrate to Roanoke's citizens that the City is keeping an eye on taxpayers' money, while proceeding with a necessary and free to the taxpayers portion of the program.

Ms. Heidi Baird, 542 Dillard Road, S. W., representing taxpayers with humane attitudes toward wildlife, advised that the City of Roanoke has far more important issues on which to spend its time and money than whether deer are destroying vegetation in certain neighborhoods. She inquired if the City has given any consideration to the consequences of persons shooting guns in urban neighborhoods, or wounded deer in residential neighborhoods, or wounded deer that could run down Route 419 which could cause a traffic accident, all of which bare severe consequences, and should be addressed by Council prior to enacting the deer management program. She asked that action on the matter be deferred and that the recommendations of the Wildlife Task Force be publicized.

Mr. Bestpitch advised that there is evidence that deer over population is a problem, not just for the City of Roanoke, or the Commonwealth of Virginia, but throughout most, if not all of the country. He stated that he has been contacted by numerous citizens over a number of months on the issue and he has assured them that the City of Roanoke will ensure that eliminating the deer over population will be done in a restricted and controlled manner, while taking into consideration the concerns of citizens, such as discharge of firearms within neighborhoods and the time of day that such operations will be conducted, etc. He added that the proposed City Code amendment presently before the Council does not include any of the restrictions that have been previously discussed in detail by the Council, and expressed concern that the proposed amendment is broader than previous Council discussions. Therefore, he offered a substitute motion that the matter be referred back to the City Manager for further study and report to Council.

The motion failed for lack of a second.

The City Manager advised that a program is currently under review by City staff to address the specifics of the deer management program. She assured Council that the intent of the program is to engage in the activity on public property; if the City received a request from a private property owner to enter their property for the purpose of engaging in deer culling, the policy as currently written, but has not been formally adopted by Council, would require that the private property owner contact the City and the private property owner would be required to agree to

certain conditions under which the City would engage in the activity on private property. She stated that emphasis has been placed on antlerless deer because experts report that such action would reduce the herd significantly inasmuch as that particular kill represents the equivalent of four deer in the future, as opposed to bucks with antlers. She explained that City staff was not comfortable with finalizing the deer management program until Council approved the proposed City Code amendment, which is the last of the options that were offered and considered in terms of an approach to deer management in the City. She advised that some months ago, the City received a proposal by an expert company that the City had intended to engage in this activity which involved baiting deer into a particular area and would further concentrate and limit the area in which the activity would occur; however, current State Code provisions do not allow this specific method of action; therefore, as a part of the City's 2004 Legislative Program, special action will be requested by the 2004 Session of the General Assembly. She advised that upon completion, Council could be provided with administrative regulations regarding deer management prior to implementation.

There was discussion in regard to the remarks of a previous speaker in connection with injured deer; whereupon, the City Manager advised that every round of fire would have to be accounted for; if a deer is struck and leaves the area, no more shooting would be allowed and those individuals hired by the City would be required to recover the deer before moving on to another site.

Mr. Bestpitch expressed concern that Council is being requested to vote on an ordinance amending the City Code prior to completion of the deer management plan; Council has been told by the City Manager that at some point the guidelines could be submitted to the Council, but there is no assurance that the guidelines will be presented to the Council, and he would prefer to review the guidelines prior to voting on the proposed amendment to the City Code.

Ordinance No. 36476-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith---5.

NAYS: Council Member Bestpitch-----1.

(Council Member Cutler was absent.)

INDUSTRIES-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that on May 19, 2003, Council authorized the City Manager to execute an Option Agreement with Roanoke Development, LLC, for the purchase of New Tract F, designated as Official Tax No. 7230105, at the Roanoke Centre for Industry and Technology (RCIT), which was executed and is dated June 10, 2003; the proposed developer, Roanoke Development, LLC, was contacted by SEMCO, Incorporated of Virginia, to design and construct a build-to-suit manufacturing facility for its sole use, which SEMCO would lease from Roanoke Development, LLC; since that time, SEMCO has decided to own and construct the building itself rather than to use a development corporation and now desires that the Option Agreement be assigned to SEMCO to enable purchase of the property from the City; and the Option Agreement provides that it may be assigned upon the written consent of the City of Roanoke and Roanoke Development, LLC; and Roanoke Development, LLC, has agreed to such assignment.

The City Manager recommended that she be authorized to execute an Assignment and Amendment No. One to the Option Agreement for the sale of New Tract F at RCIT and to take such further action and to execute such other documents as may be required for sale of such property, subject to approval by the City Attorney; the transfer will keep the same basic terms and conditions related to project scope, investment, and commitments as was made in the original Option and the separate letter of understanding supplied by SEMCO, Incorporated, however, Roanoke Development, LLC, will be released from any further obligations since SEMCO, Incorporated, will assume all obligations.

Mr. Harris offered the following ordinance:

(#36477-091503) AN ORDINANCE authorizing the Execution of an Assignment and Amendment Number One with SEMCO, Incorporated of Virginia, to the Option Agreement with Roanoke Development, LLC, for the option to purchase an approximate 18.437 acre parcel of land known as New Tract F located at the Roanoke Centre for Industry and Technology ("RCIT"), upon certain terms and conditions; authorizing the City Manager to take such other action and to execute such other documents as may be required to implement the sale of such property at RCIT to SEMCO, Incorporated of Virginia; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36477-091503. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

PAY PLAN-STATE COMPENSATION BOARD-CITY SHERIFF: The City Manager submitted a communication advising that the Master Deputy Sheriff program is a career enhancement program offered to Sheriff's offices by the State Compensation Board, beginning in 1995; at the time, the Sheriff took advantage of the opportunity through an agreement with the City Manager; and the program continues today, but is not reflected in the City's Pay Plan Ordinance, along with similar career development programs.

The City Manager recommended that Council approve an amendment to the Pay Plan Ordinance to include the Master Deputy Sheriff program, which provides a five per cent increase to the base salary up to, but not exceeding, five per cent above the pay range maximum of deputy sheriffs who are appointed by the Sheriff, pursuant to guidelines set forth by the Virginia State Compensation Board.

Mr. Dowe offered the following ordinance:

(#36478-091503) AN ORDINANCE amending Ordinance No. 36312-051203, adopted May 12, 2003, adopting and establishing, among other things, a Pay Plan for officers and employees of the City, effective July 1, 2003, by the addition of a new Paragraph 15, and the renumbering of subsequent paragraphs in the ordinance, in order to include a provision relating to an increase in the base salary of persons qualified and appointed by the Sheriff as Master Deputy Sheriffs; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36478-091503. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that Congress has appropriated funds for continuation of the Local Law Enforcement Block Grant (LLEBG) for the period of October 1, 2003 through September 30, 2005, to be administered by the Bureau of Justice Assistance and the U. S. Department of Justice; the purpose of the LLEBG program is to provide funds to units of local government to underwrite projects designed to reduce crime and to improve public safety; and the City of Roanoke has been awarded LLEBG grant funds in the amount of \$102,351.00.

It was further advised that grant conditions require a local match amount of \$11,372.00, for a program total of \$113,723.00; the award renews Roanoke's LLEBG Grant program for the eighth consecutive year; grant funds must be used for: (1) payment of overtime to presently employed law enforcement officers for the purpose of increasing the number of hours worked by such personnel and (2) procuring equipment, training and other materials directly related to basic law enforcement functions; police bicycle patrol, directed at specific/problem areas or neighborhoods will be continued through this program; and deadline for acceptance of the grant is September 29, 2003.

It was explained that grant funds become available only after a public hearing and an LLEBG program advisory committee meeting have been conducted by the Police Department; the public hearing and the LLEBG Advisory Committee meeting must be conducted prior to November 13, 2003; the LLEBG Program requires that all grant funds (\$102,351.00) be placed in an interest bearing account; based on interest earned during the past year of LLEBG funding, interest earnings of \$1,500.00 are anticipated for the grant; and the local cash match of \$11,372.00 is available in the Police Department's State Asset Forfeiture Account.

The City Manager recommended that she be authorized to accept the Local Law Enforcement Block Grant (LLEBG) of \$102,351.00 from the Bureau of Justice Assistance, with the Police Department providing \$11,372.00 as a local cash match from State Asset Forfeiture Account No. 035-640-3302-2149, and \$1,500.00 in anticipated interest earnings; that she be further authorized to execute the grant

agreement and any related documents, subject to approval as to form by the City Attorney; and that Council appropriate funds, in the amount of \$115,223.00, and establish corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Fitzpatrick offered the following budget ordinance:

(#36479-091503) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36479-091503. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

Mr. Dowe offered the following resolution:

(#36480-091503) A RESOLUTION authorizing the acceptance of the Local Law Enforcement Block Grant offer made by the Bureau of Justice Assistance and authorizing the execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36480-091503. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

BUDGET-GRANTS-YOUTH: The City Manager submitted a communication advising that the City of Roanoke has been selected as a grantee for the second year of a three-year funding cycle for Runaway and Homeless Youth (RHY) program, under provisions of the Runaway and Homeless Youth Act, in the amount of \$126,675.00 annually; funds are used to cover salaries and fringe benefits of a Youth Counselor III, a Youth Counselor II, a relief counselor and related program activities in the Sanctuary Outreach program; and the required local match is offered as in-kind services.

It was further advised that the U. S. Department of Health and Human Services awards grants for services in three-year cycles; the project period for this grant began September 30, 2002, and will end on September 29, 2005; the focus of the program is to alleviate problems of runaway and homeless youth and their families, strengthen family relationships and encourage stable living conditions; through the intervention program, Sanctuary outreach staff offers runaway and homeless youth and their families a combination of shelter-based and home-based supportive services that will decrease the incidence of repeat runaway episodes; and program services include: 24 hour intake and referral access, temporary shelter, individual, group and family counseling, community service linkages, aftercare services, case disposition and recreation opportunities.

The City Manager recommended that she be authorized to accept the grant, in the amount of \$126,675.00 in 2003–2004, from the U. S. Department of Health and Human Services (Grant No. 03CYO433/02) for Sanctuary's RHY Outreach program; to execute the grant agreement and any related documents required by the Department of Health and Human Services, subject to approval as to form by the City Attorney; and that Council appropriate funding, in the amount of \$126,675.00, and increase the corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36481-091503) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36481-091503. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

Mr. Dowe offered the following resolution:

(#36482-091503) A RESOLUTION authorizing the acceptance of a grant from the United States Department of Health and Human Services to be used for salary and fringe benefits of counselors and related activities in the Outreach program; and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36482-091503. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

BUDGET-EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Emergency Management has announced allocation of the Base 2003 Office of Domestic Preparedness Equipment Program Grant, which is designed to allow local governments in Virginia to purchase equipment that will enhance their ability to respond to terrorist acts involving weapons of mass destruction; the City of Roanoke has been allocated \$79,657.00 based upon a formula that provided \$20,000.00, plus 62.7 cents per capita, and funding will be made available upon review of the equipment budget detail listing and approval by the Virginia Department of Emergency Management and the Office of Domestic Preparedness.

It was further advised that the funds which require no local match, must be used according to requirements specified by the Office of Domestic Preparedness; and the 2003 grant allows for the purchase of equipment from 12 commodity areas, including personal protective equipment, detection and monitoring equipment, decontamination equipment, and communications.

The City Manager recommended that she be authorized to execute any documentation required in connection with obtaining and accepting the above referenced allocation, to furnish such additional information and to take such additional action as may be needed to implement and administer the funds and agreements, said documents to be subject to approval as to form by the City Attorney; and that Council appropriate funding, in the amount of \$79,657.00, to accounts in the Grant Fund to be established by the Director of Finance, and establish a revenue estimate in the same amount.

Mr. Dowe offered the following budget ordinance:

(#36483-091503) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36483-091503. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

Mr. Fitzpatrick offered the following resolution:

(#36484-091503) A RESOLUTION accepting a Base 2003 Office of Domestic Preparedness Equipment Program Grant made to the City by the Virginia Department of Emergency Management for the purpose of purchasing equipment to enhance the City's ability to respond to terrorist acts involving weapons of mass destruction, and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36484-091503. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of July 2003.

Without objection by Council, the Mayor advised that the July Financial Report would be received and filed.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation and transfer of the following, was before Council.

- **\$166,770.00 in a supplemental appropriation for school transportation charges; the monies will fully fund the cost of transporting pupils for No Child Left Behind programs.**
- **\$1,102,554.00 from the 2003-04 Capital Maintenance and Equipment Replacement Fund, to provide monies for instructional and administrative technology requests, school bus replacement, facility maintenance and custodial equipment requirements, district-wide furniture replacement, grounds services equipment, facility maintenance vehicle replacement, purchase of video surveillance systems, and repair of a roof.**
- **\$50,000.00 for the Comprehensive School Reform grant program at Noel C. Taylor Learning Academy; Taylor Learning Academy will implement a basic skills program which includes staff development and remedial skills instruction, and this continuing program is 100 per cent reimbursed by Federal funds.**
- **\$67,092.00 for the Governor's School program to provide instruction in science and math to high school students; the continuing program will be supported by State funds and tuition collected from participating school districts.**

- **\$14,000.00 for the Instructional Support Team Project to provide services for children with disabilities at Fallon Park Elementary School, to be funded with Federal funds.**
- **\$1,981.00 for the Special Education Assistive Technology program to purchase equipment and software to assist students with disabilities, to be 100 per cent reimbursed by Federal funds.**

A report of the Director of Finance recommending that Council concur in the request, was also before the body.

Mr. Dowe offered the following budget ordinance:

(#36485-091503) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36485-091503. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

BONDS/BOND ISSUES-SCHOOLS: A communication from the Roanoke City School Board advising that as a result of School Board action taken at a meeting on September 9, 2003, the School Board adopted a resolution to participate in the 2003 Interest Rate Subsidy Program Bond Sale - VPSA School Financing Bonds (1997 Resolution) Series 2003 C; and proceeds of the bond issue will be used in lieu of Literary Fund loans approved by the State for the Roanoke Academy for Mathematics and Science project.

It was further advised that Council is requested to adopt a resolution indicating that the City of Roanoke desires to participate in the VPSA bond issue; and Council will be requested to conduct a public hearing and to take other procedural matters that may be required for participation in the VPSA bond issue.

A report of the Director of Finance concurring in the request of the School Board, was also before Council.

Mr. Dowe offered the following resolution:

(#36486-091503) A RESOLUTION authorizing and directing the City Manager to file an application with the Virginia Public School Authority seeking bond financing in an amount estimated not to exceed \$5,000,000.00 to finance the replacement of the existing school building at Roanoke Academy for Mathematics and Science, previously approved pursuant to Resolutions No. 35439-070201 and No. 35440-070201, adopted by the Council at its July 2, 2001, meeting.

Mr. Dowe moved the adoption of Resolution No. 36486-091503. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ROANOKE CIVIC CENTER-AUDITS/FINANCIAL REPORTS: Council Member Wyatt, Council's liaison to the Roanoke Civic Center Commission, advised that the Civic Center Commission has requested more timely transmittal of the City's monthly financial reports.

FIRE DEPARTMENT-REFUSE COLLECTION-EQUIPMENT: Council Member Wyatt advised that it has been reported that in lieu of purchasing a ladder engine for the Fire Department, the City will purchase three refuse collection vehicles; whereupon, the City Manager advised that she would respond to the inquiry prior to the Council's 7:00 p.m. session.

TRAFFIC: The Mayor requested that the City Manager review the new traffic lane changes on Williamson Road.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS-ARMORY/STADIUM: Mr. John Kepley, 2909 Morrison Street, S. E., inquired as to why four Members of Council are allowed to dictate, control and ignore the wishes of thousands of citizens of the City of Roanoke who have let their voices be heard regarding the fate of Victory Stadium. He stated that if the citizens were allowed to vote on whether to save Victory Stadium, Council's previous decision would go down in defeat, and of the Members of Council who favor a new stadium/amphitheater, Council Member Dowe is the only native Roanoker; therefore, Council Members Bestpitch, Cutler, Wyatt and former Council Member William Carder have few memories of Victory Stadium, or its vital importance to the thousands of citizens who want to save the facility. He expressed appreciation to Mayor Smith, Vice-Mayor Harris and Council Member Fitzpatrick for their support to publicly vote to reopen the Victory Stadium issue.

COMPLAINTS-ARMORY/STADIUM: Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that instead of building a new stadium the City should pave Williamson Road, provide residents of Gainsboro with the funds that were previously promised by the City, address traffic congestion on Orange Avenue, install universal turn lanes on Williamson Road, and seek ways to save taxpayers' money, while not dividing the community.

BUDGET-NEIGHBORHOOD ORGANIZATIONS: Ms. Norma Smith, 11 - 14th Street, S. W., called attention to HUD funds which were allocated for Hurt Park. She requested clarification as to whether the funds were designated for Hurt Park, or for the Hurt park neighborhood in general. In view of long standing community needs, she asked that the funds be used for the entire Hurt Park community.

CITY MANAGER COMMENTS: NONE.

At 3:05 p.m. the Mayor declared the meeting in recess for two City Manager briefings and five Closed Sessions.

ZONING: The City Manager introduced a briefing on the Zoning Ordinance; whereupon, Nancy Snodgrass, City Planner II, addressed the following landscaping standards in the existing Zoning Ordinance and the proposed update to the Zoning Ordinance:

- **Vision 2001-2020 provides that “Trees and other vegetation represent both an environmental resource and an important landscape feature in the quality of life in the City.”**
- **The Urban Forestry Plan provides that “Roanoke will take action in order to achieve an average tree canopy of 40 per cent within ten years”.**
- **Policy approach to Vision 2001-2020 provides that buildings and trees should shape the City’s image rather than asphalt and signs; and maintaining and increasing the City’s tree canopy will have a beneficial impact on air quality, storm water control, noise levels, temperature, and visual appearance.**
- **Recommended actions - Vision 2001-2020 include revision of the Zoning Ordinance to address landscaping to encourage commercial centers rather than strip development, strengthen landscaping requirements in village centers, and establish tree canopy goals that include preservation standards and planting of trees based on zoning district and density.**
- **Overview of the Urban Forestry Plan includes preparation of new standards for better tree preservation, planting and maintenance in private non-residential areas and private developments; and adoption of zoning regulations requiring “green” site development and parking areas.**
- **Urban Forestry Plan policies include that an updated Zoning Ordinance will minimize environmental damage during development process- generous tree canopy in parking lots, preserve existing trees and minimum tree canopy percentages by zoning district.**
- **Urban Forestry Plan zoning regulations include benchmark landscaping regulations with other localities, stronger tree canopy requirements for parking lots, use of native trees where possible and tree canopy banks.**
- **Landscaping standards applicability**
Existing code: Comprehensive development plan
Proposed draft: Comprehensive and basic development plans
- **Where is landscaping required?**
Existing Code: Buffer yards, street yard trees and parking lots (interior)
Proposed draft: Buffer yards, street yard trees, parking lots (interior and perimeter) foundation and tree canopy.

- **Buffer Yards**
Existing code: One size fits all, generic description and deciduous caliper and spacing
Draft ordinance: Variable scale, two definitive options and approved plant list
- **Street Yard Trees**
Existing Code: one per 50 feet, deciduous trees (minimum two and one half inches caliper)
Proposed draft: One per 35 feet, approved plant list
- **Parking Lots: Interior**
Existing Code: Surface parking areas equal to five per cent of interior of parking area
Proposed draft: Surface planting areas equal to five per cent of interior of parking area; trees at rate of 20-year tree canopy of 25 per cent of parking area; approved plant list and planting island standards.
- **Parking Lots: Perimeter**
Existing Code: No requirement
Proposed draft: Eight-foot planting strip along perimeters that abut public street or property line; one deciduous tree per 30 feet and evergreen shrubs three feet on center; and approved plant list.
- **Foundation Landscaping**
Existing Code: No requirement
Proposed draft: Building facades fronting on public streets, three feet deep, one shrub per three linear feet and exempt if no required front yard.
- **Tree Canopy**
Existing Code: No requirement
Proposed draft: Minimum tree canopies by district, 10 to 20 per cent of site; planted and existing; preservation bonus; and credit for other requirements.
- **Landscaping: Overview**
Benchmark regulations, development plans, approved plant list, buffer yard types, parking lot perimeters, tree canopy - site and parking lots, and foundation planting.

Discussion by Council:

- **Commitments made by officials of Calvary Baptist Church in connection with the demolition of a parking lot and proposed landscaping around the parking lot have not been honored, to which the Director of Planning and Code Endorsement advised that he would review the site development plan to determine if there are binding commitments.**
- **Some tree canopy is not attractive, for example: older residential streets where American Electric Power has shaped the trees into a “Y” and the center of the tree has been removed; whereupon, the Director of Planning and Code Enforcement advised that from a Zoning Ordinance point of view, a specified tree list is proposed to enable the City to select the right type of tree for a specific location.**
- **Not only should there be guidelines in regard to tree canopy, but tree management as well, particularly in older neighborhoods; whereupon, the City Manager advised that if Council wishes to accelerate the replacement of trees in order to address some of the older neighborhoods which are lined with unattractive trees, the City administration could provide a plan of action and costs to address the issue.**
- **A program has worked well in some localities in which home owners volunteer to nurture a tree planted by the locality on private property, and it was suggested that the City of Roanoke explore the feasibility of the program.**

CITY MARKET:

The City Manager introduced a briefing on management of the historic City Market Building by Advantis Corporation, including a six month update, progress to date in identifying additional tenants, lease renewals, capital improvements, etc.

Representatives of Advantis Corporation, including Tim Allison, Zachary Means and Kimberly Bisger, with over 40 years of combined real estate experience, advised that:

- **An overview of Advantis includes a century of wisdom, a full service commercial real estate company, 500 employees and 175 brokers, 7,500 client transactions over the last five years, 13 regional offices throughout the southeast, GVA partner with global real estate network with member firms in 85 countries on five continents, and 30 million square feet under management.**

Current Advantis locations include offices in Atlanta, Georgia; Chesapeake, Virginia; Durham, North Carolina; Jacksonville, Florida; Newport News, Virginia; Norfolk, Virginia; Orlando, Florida; Raleigh, North Carolina; Richmond, Virginia; Tampa, Florida; Tysons Corner, Virginia; and Washington, D. C.

- GVA worldwide includes international strategic partnership, 85 offices in 70 firms in 20 different countries, over 3,600 commercial real estate professionals, over \$13 billion in worldwide transactions and 137 million square feet under management.
- Leasing and sales teams in the Richmond Office include 60 employees, 11 agents, 3.5 million square feet of property for leasing and management, and no conflicts of interest.
- Advantages of contracting with Advantis include a team approach, technology (any site program), commitment to increase business, greater exposure, and track record of outstanding performance and results.
- Leasing goals include 100 per cent occupancy, no delinquency, quality tenants, increased rent revenues and lease of second floor market building space.
- The marketing approach includes marketing flyers, newspaper advertisements, representation at ICSC's, tenant relationships, cold calling.
- Leasing activity:

<u>Tenant</u>	<u>Lease Value</u>
• Grass Roots	\$ 68,224.00
• Hong Kong Restaurant	162,265.00
• Tavern on the Market	163,895.00
• Cuticles	10,765.00
• The Galleria	62,529.00
• Subway	134,680.00
• Nuts & Sweet Things	11,724.00

- Management services include property management, facility management, construction management, lease audits and facility consulting services.
- Management goals for the City Market Building include retaining existing tenants, creating operating efficiencies and controlling expenses,

improving maintenance operations, implementing preventative maintenance plans, and aligning the Market Building in the Downtown Master Plan.

- Capital Improvements include HVAC requirements, electrical components, interior finishes, ADA and exterior finishes.

It was advised that:

- One of the biggest challenges has been to lease second floor space.
- The Market building has a history of occupants with late rents and Advantis is working with tenants to ensure that payments are made on time.
- Advantis would like to ensure that rents are not too high, while maintaining a good return of profit for the City of Roanoke.
- The first and foremost goal is to retain as many of the current tenants as possible.
- There is a desire to bring in local, regional and national tenants, with the goal of attracting a group of cohesive tenants.
- Lease negotiations are underway with Subway restaurant.
- Question was raised as to how a national chain such as a Subway restaurant would compete with local small business operators; whereupon, it was advised that it would work to the advantage of other tenants because clientele driving by who may not be from Roanoke would see the Subway sign and stop, and would then visit the food court; Subway is a national food chain and the first reaction of a market tenant is that they could potentially loose business, but if one looks beyond the initial two to three weeks of activity, in the long run, local tenants would gain business through additional foot traffic and a brand name acknowledgment that will attract people to the area.
- It is anticipated that there will be a \$40,000.00 - \$50,000.00 annual rate of return on the Market Building.
- Advantis does not propose changes that will have a negative impact; however, it wishes to align the property to work with the City and the City's Master Plan over the next five to ten years.

- The City of Roanoke would like to encourage an atmosphere of night life for downtown events; to do so, the “mom and pop” types of operations will be required to work more hours; if more traffic is to be brought downtown to the City Market Building, or to Center in the Square, etc., there is a need for more big names to serve as a drawing point, and a Subway restaurant by itself will not accomplish this goal, but will be a stepping stone.
- The City Market building has provided a kind of incubator step for numerous businesses, and if the businesses continue to grow, they can be offered more space.
- The goal of Advantis is to retain existing tenants, to help them grow in their businesses and to be successful, to be involved in operations, to cut costs and to make the City Market building as profitable as possible, while making the facility a better place for people to visit, which is a challenge in that it requires a considerable amount of money, organization, skills, changing vendors, etc.
- A good preventative maintenance plan should be implemented that will not allow the building to deteriorate which is expensive.
- There is a need to align the City Market building and its use with the downtown master plan.
- Deferred maintenance items include: HVAC, coils have been cleaned, a chemical treatment is in place to change the water system, and a local contractor, Renew, Inc., has been engaged for janitorial maintenance.
- Capital expenses required for the building include: design of the HVAC, with engineering and electrical components to be received within three-four weeks; interior finishes such as new furniture, new carpet on the upstairs floor on the mezzanine level, ADA requirements, issues throughout the building concerning counter and sidewalk entrances, etc., for vendors and certain exterior functions.
- There was discussion in regard to the need to bring more light into the building and the feasibility of adding more light fixtures as a part of the request for proposals on the engineering component.

At 4:50 p.m., the Mayor declared the Council Meeting in recess for five Closed Sessions, which were held in the Council’s Conference Room.

At 6:45 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Council Member Cutler.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

FLOOD REDUCTION/CONTROL: The Mayor advised that there is a vacancy on the Flood Plain Committee, created by the resignation of Sandra Kelly; whereupon, he opened the floor for nominations.

Mr. Bestpitch placed in nomination the name of Frank Caldwell.

There being no further nominations, Mr. Caldwell was appointed as a member of the Flood Plain Committee, for a term ending June 30, 2004, by the following vote:

FOR MR. CALDWELL: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

(Council Member Cutler was absent)

At 6:50 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday September 15, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., William D. Bestpitch, Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda E. Wyatt, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member M. Rupert Cutler-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Kermit and Dorothy Shriver that a portion of an alley located off Thyme Street, S. E., at the rear of Lots 4, 5 and 6, Official Tax Nos. 4041901-4041904, inclusive, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 29, 2003, and Friday, September 5, 2003.

The City Planning Commission submitted a written report advising that the petitioner requests closure of an alley lying between four of their parcels of land; the petitioner purchased the adjoining properties from Carillion Health System in 1997; the unimproved alley requested for closure lies between Official Tax Nos. 401904 inclusive; the alley is approximately 150 feet long and 20 feet wide, or 3,000 square feet; and the petitioner owns all parcels, in addition to Official Tax Nos. 4041905-4041907 inclusive.

It was further advised that the petitioner's properties are zoned C-1, Office District, as are the properties immediately to the south of the subject alley; the western side of Belleview Avenue is zoned RM-2, Residential Multi-Family, Medium Density; the northern side of Thyme Street, which encompasses properties fronting on Linden Street, is zoned RS-3, Residential Single Family, High Density District; parcels to the south and east of the subject alley are vacant and lie on a steep uphill grade; residential properties lie to the north and west of the alley; and the petitioner's property at Official Tax No. 4041902 consists of a triplex with rental units.

It was explained that the alley is currently partially paved off of Thyme Street; the petitioner uses the alley for ingress and egress to a parking lot and an accessory

structure covers a portion of the southeastern corner of the alley; and Thyme Street is improved for approximately 100 feet southeast of the alley.

The City Planning Commission recommended that Council approve the request and that the petitioner be charged \$750.00 for the alley.

Mr. Dowe offered the following ordinance:

(#36487- 091503) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36487-091503. The motion was seconded by Mr. Fitzpatrick.

Mr. Kermit E. Shriver, petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing.

There being none, he declared the public hearing closed.

Mr. Bestpitch moved that Ordinance No. 36487-091503 be amended to include the following: Approval of the application is contingent upon the applicant paying \$750.00 for consideration of the right-of-way. The motion was seconded by Mr. Fitzpatrick and adopted.

Ordinance No. 36487-091503, as amended, was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday,

September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of L & M Properties, L.L.C., to rezone three tracts of land located on Wertz Avenue and Mississippi Avenue, N. E., consisting of 14.401 acres, more or less, identified as Official Tax Nos. 3130301, 3130504, and 3130312, from HM, Heavy Manufacturing District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 29, 2003, and Friday, September 5, 2003.

The City Planning Commission submitted a written report advising that the petitioner proposes to market the subject properties for a distribution center, which under LM permitted uses, would be an “establishment engaged in the wholesale distribution of goods; because of limited vehicular access to the site from Hollins Road and surrounding single-family residential uses, staff advised the petitioner that some of the LM uses permitted by right and by special exception in the zoning ordinance would be inappropriate on the subject properties; the First Amended Petition limits the uses on the subject properties to 14 of the 27 LM permitted uses; and uses of the subject properties, as limited by proffer, narrow the parameters in such a manner that the adjacent and surrounding residential neighborhoods are not compromised by impact of the land use and associated vehicular traffic.

It was further advised that the petitioner’s request appropriately applies a light manufacturing designation, with conditions, to the subject properties; and the down-zoning request represents an opportunity for reuse and revitalization of an old manufacturing property that has not been successful as a heavy manufacturing site.

The City Planning Commission recommended that Council approve the request.

Mr. Dow offered the following ordinance:

(#36488-091503) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 313, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36488-091503. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36488-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of L & M Properties, L.L.C., to rezone three tracts of land located on 2820 Ridgefield Street, N. E., consisting of 0.1055 acre, more or less, identified as Official Tax No. 3130330, from HM, Heavy Manufacturing District, to RM-1, Residential Multifamily, Low Density District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 29, 2003, and Friday, September 5, 2003.

The City Planning Commission submitted a written report advising that the subject property is bounded on the north and west (to the side and rear of the subject lot) by a site currently zoned HM, Heavy Manufacturing District, and formerly utilized by Halmode Apparel; the site is the subject of the current petition to rezone from HM, Heavy Manufacturing District, to LM, Light Manufacturing District; all properties directly to the south of the subject property fronting on Ridgefield Road are zoned RM-1, Residential Multifamily, Low Density District, and are developed residentially; and properties directly to the east on the opposite side of Ridgefield Road are also zoned RM-1 and developed as single-family dwellings.

It was further advised that the subject property is currently located within the fence enclosing the site of the former Halmode Apparel distribution center and is a separate tract of land from the Halmode site; rezoning of the subject property to RM-1 would make the residential structure conforming and allow for its improvement and

viable utilization as a residential structure, the purpose for which it was originally constructed; and the requested RM-1 zoning designation and single-family residential use would be consistent with the balance of the block in which the subject property is located.

The City Planning Commission recommended that the request for rezoning be approved, given the potential for retaining and utilizing a viable residential structure adjacent to other residential properties.

Mr. Dowe offered the following ordinance:

(#36489-091503) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 313, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption Ordinance No. 36485-091503. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council, Ordinance No. 36489-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of GCSWVA Co., L.L.C., to rezone a tract of land located at the corner of Duke of Gloucester Street, S. W. (private), and Duke of Gloucester Street, S. W. (public), containing 1.3 acre, more or less, identified as a portion of Official Tax No.

5500114, from RM-2, Residential Multifamily, Medium Density District, to C-1, Office District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 29, 2003, and Friday, September 5, 2003.

The City Planning Commission submitted a written report advising that the rezoning request is for 1.3 acres of vacant land on the southern portion of Official Tax No. 5500114, with said parcel of land to be subdivided at a later date in accordance with the metes and bounds description of the petition to rezone; and the petitioner proposes to construct a medical clinic on the subject property.

It was further advised that because of the transitional nature of the property being situated between commercial development along Duke of Gloucester Street and multifamily development, the proposed change in use is a reasonable development strategy which is consistent with the City's Comprehensive Plan.

- The proffered general and professional offices, medical office, and medical clinic are compatible uses with the mixed-used character of the area.**
- In addition to the proffered site plan's location of the building close to the street with parking to the side and rear, the entrance to the site and parking lot is located on Duke of Gloucester Street from adjoining residential uses.**
- Although Official Tax No. 5500115, abutting the subject property on the southwest, is a vacant parcel zoned RM-2, Residential Multifamily, Medium Density district, residential development would be limited by topography and adjacent land uses including I-581 and a shopping center.**

It was noted that two of the proffered uses, general and professional offices and medical offices, are permitted by right in the C-1, Office District; and the third proffered use, medical clinic, requires the approval of a special exception by the Board of Zoning Appeals.

Given the transitional nature of the property and the current mixed land use pattern surrounding the subject property, the City Planning Commission recommended that Council approve the request for rezoning to C-1, Office District,

with proffered conditions; because of concerns with regard to site development as related to tree canopy, the Planning Commission further recommended that during the comprehensive site plan development process that the petitioner maximize the planting of deciduous tree cover and that buffering using evergreens be limited to the parking lot next to Duke of Gloucester Street.

Mr. Dowe offered the following ordinance:

(#36490-091503) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 550, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36490-091503. The motion was seconded by Mr. Harris.

Richard Rife, Agent, GCSWVA Company, LLC, advised that Dr. Weiserbs and his six partners are gastroenterologists currently located in the City of Roanoke; and they seek to rezone the property to construct a new single story office in order to develop a private endoscopy center adjacent to the building, which will be a new endeavor in the City of Roanoke, since the closest endoscopy center in Virginia is located in the Richmond area. He further advised that his client has proffered to limit uses to general and professional offices, medical offices, or medical clinics; if Council approves the request for rezoning, the next step is to proceed to the Board of Zoning Appeals for a special exception for a medical clinic use in a C-1 District; and his client has proffered to develop the site in substantial conformance with the site plan, the proposed use is compatible with the neighborhood, the proposed use is compatible with the neighborhood, the proposed use will provide a good transitional use and provide a positive development for the site, the proposed use is consistent with and supports design principles of Vision 2001-2020, the building will be used as much as possible to screen parking from the two adjoining streets, the project utilizes an existing underdeveloped property in the City of Roanoke, rather than moving into a more suburban location contributing to urban sprawl, existing road and utility systems will be utilized, and Roanoke's economic development strategy as a regional medical center will be reinforced. He called attention to City Planning Commission discussion and a suggestion by Planning staff that some of the trees on the site be restored to such a level that at maturity they would equal 25 per cent of the area of the site; whereupon, he presented a written proffer, however,

he advised that he neglected to obtain the signature of Dr. Weiserbs and the City Attorney advises that since he is the Agent and not the owner of the building, the proffer is not legally binding. He stated that the proffer is submitted in good faith and asked that Council instruct the Agent for the City Planning Commission to submit the proffer to the Board of Zoning Appeals, at which time he would submit same on behalf of his client.

In clarification, the City Attorney advised that both the City Code and the State Code require that all proffers be signed by the property owner, which represents a legally binding commitment, and a proffer cannot be enforced against an agent unless the agent has been authorized by resolution for the corporation to submit the proffer. He stated that the ordinance before the Council includes certain proffers in the amended petition filed on August 6, 2003, but does not include the proffer above referenced by Mr. Rife; however, Mr. Rife's suggestion that the Board of Zoning Appeals allow the proffer as a condition to approval of a special use permit, which would be enforceable, is satisfactory.

In a discussion as to whether action on the matter could be deferred pending a signed proffer by the petitioner, Mr. Rife requested that Council act on the request for rezoning this evening inasmuch as sale of the property is contingent upon the rezoning and the subsequent Board of Zoning Appeals action, therefore, his client is anxious to move forward with the matter.

The Mayor inquired if there were other persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no further discussion by Council, Ordinance No. 36490-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING: The City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission with regard to a proposed amendment to Vision 2001-2020, the City's

Comprehensive Plan, to include the Norwich neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 29, 2003, and Friday, September 5, 2003, and in *The Roanoke Tribune* on Thursday, September 4, 2003.

The City Planning Commission submitted a written report advising that in the planning process, residents and staff identified the following issues facing the Norwich neighborhood:

- Unique, but aging housing stock
- Lack of curb and guttering and street trees
- Previously self-supporting neighborhood that now lacks an identifiable core
- Vacant land along the Roanoke River located in the floodway and flood plain
- A popular park that could use some improvements (Norwich Park)

In order to address the issues, it was further advised that the plan features the following priority recommendations:

1. Housing renovation and revitalization:
Consider listing the core area of Norwich to the National Register of Historic Pla
2. Physical improvement of neighborhood gateways and side streets:
Develope a streetscape plan for Roanoke Avenue and Bridge Street with mor
canopy trees to help with traffic calming.
3. Encourage the establishment of a vibrant village center:
Expand the current CN zoning around Russell and Bridge
Streets at Roanoke Avenue to reinforce the center of the
neighborhood.
4. Develop a recreational use plan for the HM zoned land along Roanoke

River:

Utilize the Roanoke River Flood Reduction Project to provide more access to the vacant land to use as a park greenway.

- 5. Improve the existing neighborhood park (Norwich Park):
Consider more parking along Roanoke Avenue for ball games,
and a separate playground for small children.**

The City Planning Commission recommended that Council approve the Norwich Neighborhood Plan as a component of Vision 2001-2020.

Mr. Dowe offered the following ordinance:

(#36491-091503) AN ORDINANCE approving the Norwich Neighborhood Plan, and amending Vision 2001-2020, the City's Comprehensive Plan, to include the Norwich Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36491-091503. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to speak in connection with the matter; whereupon, Ms. Betty Blankenship, 2316 Russell Avenue, S. W., spoke in support of the Norwich Neighborhood Plan.

There being no further speaks, the Mayor declared the public hearing closed.

The being no questions or comments by Council Members, Ordinance No. 36491-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING: The City Clerk

having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission with regard to a proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Wasena Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 29, 2003, and Friday, September 5, 2003, and in *The Roanoke Tribune* on Thursday, September 4, 2003.

The City Planning Commission submitted a written report advising that the following positive features of the Wasena neighborhood need to be maintained:

- Home and infrastructure are in very good condition.
- Healthy mix of owner and renter occupied homes, and range of housing options.
- Amenities, such as Wasena Park, Wiley Drive, proximity to downtown, and low crime rate.

It was further advised that staff noted the following issues in the Wasena plan that need to be addressed:

- A former industrial district along the River
- The village center along Main Street
- Wasena Bridge and its transition onto Main Street

In order to address the above listed issues, the plan features the following recommendations:

- Zoning Based on the Future Land Use Map
- Maintain a zoning district similar to the current RM-1 in residential areas in the update of the zoning ordinance.
- Expand the number of uses permissible in the current industrial area to allow for a mix of commercial and high-density opportunities.
- Amend the zoning ordinance to ensure that new residential development is compatible with existing structures in terms of

setbacks and lot coverage, and to maximize the development potential of vacant properties and structures.

- Regulate the conversion of single-family homes to multifamily by requiring a special exception approval to ensure that compatibility with the existing neighborhood is maintained.

Housing:

Encourage a continuation of the neighborhood's current residential mix of single-family, duplex, and multi-family structures.

Economic Development:

- Market the Main Street village center with particular emphasis on:
 - Small-scale buildings with two-three stories.
 - Neighborhood commercial uses with minimal noise and lighting impacts.
 - Shared parking arrangements, including public/private partnerships.
- Target the former ice and cold storage building and industrial district for adaptive reuse. Considerations for development should include:
 - Zoning that allows for flexibility in permitting a vibrant mix of commercial and residential uses, particularly live/work space.
 - High-tech or other industrial uses that have a minimal environmental and neighborhood impact.
 - Possibilities for public/private partnerships.

Infrastructure:

- Implement traffic-calming measures and gateway improvements on both ends of Main Street and Wasena Bridge.

The City Planning Commission recommended that Council approve the Wasena Neighborhood Plan for adoption as a component of Vision 2001-2020.

Mr. Dowe offered the following ordinance:

(#36492-091503) AN ORDINANCE approving the Wasena Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Wasena Neighborhood Plan; and dispensing with the second reading of this

ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36492-091503. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36492-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING: The City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission with regard to a proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Morningside/Kenwood and Riverdale Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 29, 2003, and Friday, September 5, 2003, and in *The Roanoke Tribune* on Thursday, September 4, 2003.

The City Planning Commission submitted a written report advising that residents and staff identified the following major issues facing the Morningside/Kenwood/Riverdale neighborhood:

- A lack of new homeowners in the area.
- Maintenance and upkeep of an aging housing stock.
- Recurring zoning code violations such as outdoor storage and inoperable vehicles.

- Ineffective street design along major corridors.
- Lack of restaurants and other commercial amenities in village centers.

To address the issues, the Neighborhood Plan features the following priority recommendations:

Housing:

- Develop materials and create liaisons with the appropriate groups—i.e. realtor associations, chamber of commerce, etc.—to market the neighborhoods' strengths, especially the abundance of larger, affordable homes, convenient locations, and a pedestrian-oriented neighborhood design.

Zoning:

- Lower zoning density from multifamily to single-and two-family in selected areas (between village centers), leaving higher density zoning in and around village centers. In addition, zoning in village centers should encourage a mix of uses and building sales that are appropriate in a neighborhood setting. Zoning codes should promote the development of well-designed commercial structures that encourage pedestrian activity.

Infrastructure:

- Implement streetscape improvements such as planting species-appropriate street trees, installing and enhancing sidewalks and curbs, and adding parking lanes. Priority streets are:
 - Dale Avenue
 - Riverland Road/Bennington Street/13th Street
 - 9th Street

Economic Development:

- Apply for the reinstatement of State Enterprise Zone One in 2004. Code Enforcement:
- Enforce housing maintenance codes and use public nuisance abatement ordinances—including the Rental Inspection Program—to

compel compliance. Encourage citizen participation in the identification of code violations.

The above described priority recommendations address the most prominent issues in the neighborhood, but are not comprehensive; the plan contains a number of other action items; Vision 2001-2020, the City's Comprehensive Plan, provided the framework for the plan; and policies and actions of the plan are consistent with Vision 2001-2020.

The City Planning Commission recommended that Council approve the Morningside/Kenwood/Riverdale Neighborhood Plan for adoption as a component of Vision 2001-2020.

Mr. Dowe offered the following ordinance:

(#36493-091503) AN ORDINANCE approving the Morningside/Kenwood and Riverdale Neighborhood Plan, and amending Vision 2001-2020, the City's Comprehensive Plan, to include the Morningside/Kenwood/Riverdale Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36493-091503. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36493-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

ENTERPRISE ZONE: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on an application of the City of

Roanoke to the Department of Housing and Community Development, pursuant to provisions of the Virginia Enterprise Zone Act, Sections 59.1-170, et. seq., Code of Virginia, (1950), as amended, to seek designation as an Enterprise Zone of property located within the City of Roanoke described as follows, to replace the City's current Enterprise Zone One which expires on December 31, 2003, the matter was before the body.

Enterprise Zone One A shall consist of portions of downtown; the industrially and commercially zoned areas west of downtown; the industrial corridor along Shenandoah Avenue north of the Norfolk Southern Rail Lines, continuing along Shenandoah Avenue until Peters Creek Road, and continuing along the NS lines until Peters Creek Road; industrially zoned properties to the south of Salem Turnpike, contiguous with the Shenandoah Avenue corridor; industrially zoned properties in and around the Norwich Neighborhood; some industrially zoned properties north of the Norwich Neighborhood north of the Roanoke River; the industrially and commercially zoned properties in and around the Wasena Neighborhood, specifically along the Main Street Village Center and along Eighth Street; the Roanoke Industrial Center off of Ninth Street; the commercially zoned properties comprised of the Southeast By Design project area; industrially and commercially zoned properties in the Southeast Quadrant of the City immediately south of the Norfolk Southern Rail Lines; industrially and commercially zoned properties in the Gainsboro Neighborhood; the 11th Street Commercial Village Center; commercially zoned properties to the north and south of Orange Avenue from 11th Street to 24th Street; commercially zoned properties north of Melrose Avenue between 11th Street and 24th Street; larger commercially zoned properties on Melrose Avenue between 31st Street and Adams Street; commercially zoned properties along Williamson Road north of Rutherford Avenue and south of Hershberger Road; and the industrially and commercially zoned properties to the north and south of Orange Avenue east of Williamson and west of Tinker Creek.

Legal advertisement of the public hearing was published in *The Roanoke Times* on August 31, 2003 and September 7, 2003.

The City Manager submitted a communication advising that on January 1, 1984, the Commonwealth of Virginia designated Enterprise Zone One, then known as the City of Roanoke's Urban Enterprise Zone; the designation for Enterprise Zone One is scheduled to expire on December 31, 2003, precipitating the submission of a new application requesting a new designation; the Virginia Enterprise Zone Act of

1982, as amended, authorizes the Governor to designate up to five additional areas within the Commonwealth as Enterprise Zones as of January 1, 2004; and such designation would make qualified business firms which locate or expand within such a zone eligible for significant benefits, including credits on State taxes and local incentives.

It was further advised that in accordance with the Department of Housing and Community Development's Virginia Enterprise Zone Program regulations, the local governing body must hold at least one public hearing affording citizens or interested parties an opportunity to be heard on such matters before submitting an application to the Department of Housing and Community Development for consideration; such public hearing will be held at the Council's meeting on September 15, 2003, at 7:00 p.m.; the application will seek designation as an Enterprise Zone of property located within the City of Roanoke as above described and as shown on a map of Enterprise Zone One A; copy of the draft application is attached to the City Manager's communication which lists local incentives on pages 38 - 45; and Council is requested to endorse such local incentives and to indicate the Council's intent to adopt the incentives if the Enterprise Zone designation is granted to the City.

The City Manager recommended that she be authorized to apply, on behalf of the City of Roanoke, to the Virginia Department of Housing and Community Development, to have that area of the City shown on the Enterprise Zone One A Map and as described on Attachment 3 to the communication as an Enterprise Zone, pursuant to provisions of the Virginia Enterprise Zone Act, as amended. She further recommended authorization to submit all necessary information to make application for such Enterprise Zone designation; to meet other program administrative and reporting requirements; and to take such actions and to execute such additional documents as may be necessary to obtain such Enterprise Zone designation; that the City Manager be further authorized to meet and to comply with Enterprise Zone requirements regarding identifying and selling all surplus public land, as defined in the Enterprise Zone regulations, throughout the life of the Enterprise Zone; and that Council endorse the application, by resolution, and express the City's intent to adopt local incentives set forth in the application and certify that a public hearing was held as required by Enterprise Zone Program Regulations.

Mr. Fitzpatrick offered the following resolution:

(#36494-091503) A RESOLUTION authorizing the City Manager to apply to the Virginia Department of Housing and Community Development to have a certain area of the City designated as an Enterprise Zone that will replace the City's Enterprise Zone One, which expires on December 31, 2003.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36494-091503. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council, Resolution No. 36494-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

ZONING-COMMUNITY PLANNING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed amendment of subsections (a) and (c), Section 36.1-345, District regulations: certificate of appropriateness, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to address installation or replacement of siding, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 29, 2003, and Friday, September 5, 2003.

The City Planning Commission submitted a written report advising that the H-2, Neighborhood Preservation District, covers a large portion of the Southwest Historic District, which is listed on the Virginia Landmarks Register and the National Register of Historic Places; the intent is to ensure the preservation of buildings which, either aggregate or individually, are of special community significance; and a specific purpose of the H-2 district is to “encourage preservation, protection, and enhancement of streetscapes, structures and areas of architectural, historic or cultural importance.”

It was explained that Subsections 36.1-345 (a) & (c) of the H-2 regulations are

proposed to be amended so that residents of the Southwest Historic District can better preserve, protect, and enhance streetscapes and structures; a great concern facing the district is the inappropriate installation or replacement of siding; and an effective way to further the intent of the H-2 preservation district is to require an applicant to apply for a Certificate of Appropriateness from the Architectural Review Board (ARB) for installation or replacement of siding.

It was further advised that in general, Section 36.1-345(a) provides that installation or replacement of any exterior structure in the H-2, Neighborhood Preservation District, requires a Certificate of Appropriateness; a structure is defined as anything which is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, such as a wall, building, fence sign; however, the ordinance contains provisions which exempt certain activities from the general requirement of obtaining a Certificate of Appropriateness; and Section 36.1-345(b) provides that activities of ordinary maintenance such as painting and minor repairs that are of a frequent or maintenance related nature, do not require a Certificate of Appropriateness, provided that installation and replacement are performed using materials which are of the same design as those architectural features of the structure.

It was explained that under the current ordinance, an applicant is not required to obtain a Certificate of Appropriateness for installation or replacement of siding, as long as the applicant is using materials which are of the same design as the siding existing on the building and which maintain the architectural defining features of the building; because of the significance that installation or replacement of siding can have on the appearance of a neighborhood and the architectural integrity of the neighborhood's historic character, the Architectural Review Board requests that an applicant be required to obtain a Certificate of Appropriateness from the Board for such work, along the same lines as an applicant who wishes to make most other exterior changes to a property.

It was noted that the H-2, Neighborhood Preservation District, is intended to ensure the preservation of buildings which, either aggregate or individual, are of special community significance; requiring an applicant to obtain a Certificate of Appropriateness for installation or replacement of siding allows staff and the Architectural Review Board an opportunity to review proposed applications to ensure that installation does not have an adverse impact on the architectural integrity of the structure and the neighborhood.

The City Planning Commission recommended that Council approve the proposed amendment, which furthers the intent of the Zoning Ordinance and the H-2

District to protect the Southwest Historic District and to maintain the architectural integrity of structures in the neighborhood.

Mr. Dowe offered the following ordinance:

(#36495-091503) AN ORDINANCE amending and reordaining §36.1-345, District regulations: certificate of appropriateness, of Subdivision D, H-2, Neighborhood Preservation District, of Division 5, Special District Regulations, of Article III, District Regulations, of Chapter 36.1, Zoning of the Code of the City of Roanoke (1979), as amended, by amending subsections (a) and (c) to address the installation or replacement of siding; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36495-091503. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Mr. Jim Haynes, 645 Day Avenue, S. W., and Ms. Sarah Muse, 617 6th Street, S. W., appeared before Council in support of the proposed amendment.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36495-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

BONDS/BOND ISSUES-BUDGET-CAPITAL IMPROVEMENTS PROGRAM-WATER RESOURCES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, and pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed adoption of a resolution authorizing the City to contract a debt and to issue sewer revenue bonds of the City, in a principal amount not to exceed \$25,000,000.00, to finance the costs of capital

improvements to the Roanoke Regional Water Pollution Control Plant, pursuant to Section 15.2-2606.A, Code of Virginia (1950), as amended, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, September 2, 2003, and Tuesday, September 9, 2003.

The City Manager and the Director of Finance submitted a joint communication advising that the design phase for Contract A of the 2003 Wet Weather Improvements at the Roanoke Regional Water Pollution Control Plant has been completed for Contract A; bids for Contract A were received from four qualified contractors on August 21, 2003; and this is the first of a series of three separate projects which will complete the planned improvements to the Water Pollution Control Plant facilities, with Contracts B and C expected to bid in early 2004.

It was further advised that the Departments of Finance and Utilities have evaluated both the issuance by the City of tax exempt general obligation or revenue bonds at competitive sale and issuance by the City of sewer revenue bonds to evidence a loan from the Virginia Water Facilities Revolving Fund administered by the Virginia Resources Authority for funding of the above stated projects; the Virginia Resources Authority has approved a 20 year loan, in a principal amount of \$17,511,501.00, at an interest rate not to exceed 3.75 per cent; the Virginia Resources Authority has provided a verbal commitment to increase the loan amount, not to exceed \$23,300,000.00, prior to loan closing; interest rate is below current municipal bond rates; and issuance of revenue bonds through the Virginia Resources Authority is advantageous in consideration of future plans for a Water and Waste Water Authority to be established between the City of Roanoke and Roanoke County, which funding level is expected to be adequate for the City's share of the contracts for all three projects (A, B & C).

The City Manager and the Director of Finance recommended that Council take the following actions:

Adopt a resolution authorizing issuance of sewer revenue bonds of the City to the Virginia Resources Authority as administrator of the Virginia Water Facilities Revolving Fund.

Authorize the City Manager and the Director of Finance to take the necessary steps to close on the bond issuance.

Appropriate bond proceeds in an account(s) to be created by the Director of Finance in the Water Pollution Control Fund to provide for construction of Contract A, B and C.

Establish accounts receivable from partner jurisdictions according to the cost allocation formula set forth in the 2003 Wastewater Agreement and appropriate funds to be received (\$24,300,000.00), to the same project account.

Mr. Fitzpatrick offered the following resolution:

(#36496-091503) A RESOLUTION authorizing the issuance of not to exceed twenty-five million dollars (\$25,000,000) principal amount of revenue obligations of the City of Roanoke, Virginia, in the form of sewer revenue bonds of the City of Roanoke, Virginia, for the purpose of providing funds to pay the cost of capital improvements to the sewer system of the City, a revenue producing undertaking of the City, such capital improvements constituting wastewater treatment facilities within the meaning of Title 62.1, Chapter 22, Section 62.1-224, of the Code of Virginia, 1950; fixing the form, denomination and certain other details of such bonds; providing for the issuance of such bonds to the Virginia Resources Authority ("VRA"), as administrator of the Virginia Water Facilities Revolving Fund, to evidence the borrowing to be made by such City from VRA pursuant to a financing agreement by and between VRA and such City; approving the form and the terms, conditions and provisions of such financing agreement and authorizing and directing the execution and delivery thereof; and appointing the Director of Finance as Registrar and Paying Agent for such bonds.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36496-091503. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Resolution No. 36496-091503 was adopted by the following vote:

AYES: Council Members Dowe, Bestpitch, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

Mr. Fitzpatrick offered the following ordinance:

(#36497-091503) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Water Pollution Control Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36497-091503. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Bestpitch, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

BUDGET-CMERP: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to proposed adjustment to the City of Roanoke Fiscal Year 2003-04 Budget, in connection with appropriation of funds for the Capital Maintenance and Equipment Replacement Program (CMERP), the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 5, 2003.

The City Manager submitted a communication advising that Section 2-189 of the City Code established a reserve from the year-end General Fund balance for the funding of capital improvements and capital maintenance and equipment replacement; the amount reserved from the undesignated fund balance is calculated as ten per cent of total General Fund appropriations, less any sums paid for General Fund debt service during the fiscal year; and CMERP funding available for appropriation totals \$2,480,773.00.

It was further advised that additional funding from the Commonwealth of Virginia for highway and street maintenance will increase \$229,076.00 above the estimate established with adoption of the fiscal year 2003-04 General Fund budget; funding in the amount of \$93,804.00 in Capital Improvement Reserve funding for street related projects is designated for the Campbell Avenue Two-Way Traffic project and needs to be appropriated; and the total of all funding resources available for appropriation is \$2,803,653.00.

It was explained that a list of CMERP funding recommendations address the following categories:

• Contributions/Commitments	\$ 466,170.00
• Capital Projects	921,728.00
• Fixed Asset Maintenance	391,589.00
• Operational Equipment	180,398.00
• Other	618,768.00
• Vehicular Replacement	225,000.00
Total	\$2,803,653.00

It was further explained that department CMERP funding requests totaled approximately \$4.9 million in non-technology and non-vehicular related items/initiatives; requests for technology-related items/initiatives totaled an additional \$3.0 million; technology requests are reviewed and prioritized by the Information Technology Committee and a separate report will recommend appropriation of funds for technology needs; and all vehicular requests are reviewed by the Fleet Management Division Manager and evaluated based upon an approved set of replacement criteria.

The City Manager recommended that Council take the following action:

Authorize the Director of Finance to increase the revenue estimate for highway maintenance in the amount of \$229,076.00.

Transfer funding in the amount of \$93,804.00 from Capital Improvement Reserve - VDOT Match to accounts as more fully described in an attachment to the communication.

Mr. Dowe offered the following ordinance:

(#36498-091503) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General, Water, Water Pollution Control, Civic Facilities, Capital Projects and Fleet Management Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36498-091503. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Mr. Robert Gravely, 3360 Hershberger Road, N. W., suggested that City employees be allowed to have input into the types of equipment purchased by the City, in order to deliver services to Roanoke's citizens. He called attention to trees within the City that need to be pruned and are in danger of damaging property, and the need to repair the City's outdated infrastructure. He stated that taxpayers' money is being spent on unnecessary projects and programs, while the City's workforce is not paid adequately for the work they do. He added that youth are leaving the Roanoke Valley because of the poor job market.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36498-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

PARKS AND RECREATION-CITY PROPERTY-LEASES: Pursuant to instructions by the Council, City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed lease of a portion of City-owned property located at the Parks and Recreation Department, 210 Reserve Avenue, S. W., to Climbing Performance Institute, Inc., to operate the Rocwood Indoor Adventure Center, for an initial one-year term, with an option to extend for an additional four years, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 5, 2003.

The City Manager submitted a communication advising that the Rocwood Indoor Adventure Center, located within the Parks and Recreation Administrative Building, 21 Reserve Avenue, S. W., is a multi-faceted climbing facility serving residents of Roanoke and guests; the facility, which opened in March 1993, offers 4,000 square feet of recreation space, including various climbing walls, a climbing tower, a climbing cave, a rappelling station, an equipment storeroom and a

staff/reception area; and the Rocwood facility provided an excellent recreation opportunity for youth and families of Roanoke, but unfortunately, the expense of operating Rocwood exceeded revenues and the facility was closed in July, 2002.

It was further advised on September 16, 2002, Council adopted Resolution No. 36065-091602, approving the "competitive negotiation" process to obtain a proposal from a minimum of two service providers to manage the Rocwood Indoor Adventure Center; Climbing Performance Institute, Inc., from Fayetteville, North Carolina, submitted the most qualified proposal for operation and management of the facility; and Climbing Performance Institute will have the resources to increase operational hours and programs, while providing a more effective and efficient means of operating the Rocwood Indoor Adventure Center for Roanoke's citizens.

Following the public hearing, the City Manager recommended that she be authorized to execute an initial Lease and Agreement with Climbing Performance Institute, Inc., for operation and maintenance of the Rocwood Indoor Adventure Center for one year, with an option to renew for an additional four years, in a form to be approved by the City Attorney.

Mr. Dowe offered the following ordinance:

(#36499-091503) AN ORDINANCE authorizing the City Manager to enter into a lease and maintenance agreement with Climbing Performance Institute, Inc., for the lease, operation and maintenance of the Rocwood Indoor Adventure Center, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36499-091503. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Member, Ordinance No. 36499-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

AMERICAN ELECTRIC POWER-SCHOOLS-EASEMENTS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed conveyance of a 15-foot easement to extend an existing overhead power line located at Patrick Henry High School, 2102 Grandin Road, S. W., to Appalachian Power Company, d/b/a American Electric Power, to provide electric service to a mobile classroom, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 5, 2003.

The City Manager submitted a communication advising that Appalachian Power Company has requested a 15 foot wide easement to extend an existing power line on the Patrick Henry High School site, in order to provide underground electric service to a mobile classroom; whereupon, the City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents granting an easement to Appalachian Power Company, said documents to be approved as to form by the City Attorney.

Mr. Fitzpatrick offered the following ordinance:

(#36500-091503) AN ORDINANCE authorizing the donation and conveyance of a 15 foot overhead easement to extend an existing overhead power line, across City-owned property located at 2102 Grandin Road, S. W., to Appalachian Power Company, to provide electric service to a mobile classroom at Patrick Henry High School, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36500-091503. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36500-091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

APPALACHIAN POWER COMPANY-AMERICAN ELECTRIC POWER-SCHOOLS:
Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 15, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to the proposed conveyance of a 15-foot overhead and underground easement, with a 40 square foot area, to accommodate a new pole across City owned property on Barns Avenue, N. W., identified as Official Tax No. 6610101, to Appalachian Power Company, d/b/a American Electric Power, to provide underground electric service for the new Roanoke City School Transportation Facility, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 5, 2003.

The City Manager submitted a communication advising that Appalachian Power Company has requested a 15 foot wide easement across City-owned property located on Barns Avenue, N. W., to provide underground electric service to the City's new Transportation Center, together with an area of approximately 1,600 square feet to accommodate a new pole; whereupon, the City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents, to be approved as to form by the City Attorney.

Mr. Bestpitch offered the following ordinance:

(#36501-091503) AN ORDINANCE authorizing the donation and conveyance of

a 15 foot overhead and underground easement, across City-owned property located on Barns Avenue, identified as Official Tax No. 6610101, together with an approximate 1,600 square foot easement to accommodate a new pole, to Appalachian Power Company for the purpose of providing underground electric service to the School Board of the City of Roanoke's School Transportation Facility, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Bestpitch moved the adoption of Ordinance No. 36501-091503. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36501- 091503 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Cutler was absent.)

OTHER BUSINESS: NONE

HEARING OF CITIZENS UPON PUBLIC MATTERS:

The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

POLICE DEPARTMENT-PAY PLAN-CITY JAIL-CITY EMPLOYEES: Mrs. Zoe Hewitt-Stinnette, 2531 Peters Creek Road, N. W., spoke in support of a higher pay scale for public safety employees.

COMPLAINTS-ARMORY/STADIUM: Mr. John Kepley, 2902 Morrison Avenue S. E., continued his remarks from the 2:00 p.m. Council session. He advised that the four Members of Council who voted for the proposed new stadium/amphitheater have been unjust and inconsiderate in their vote to tear down Victory Stadium, they have violated the rights of the citizens of Roanoke and caused much grief and anguish. He stated that the right and honorable solution is to allow the citizens of Roanoke City to vote on the issue because if the citizens are not allowed to vote, there will continue to be anger and discontent among the great majority of Roanoke's citizens; and there should be a better working relationship between City Council, the City Manager and the citizens of Roanoke, in order to bring about progress in the right way. In conclusion, he expressed appreciation to the three Council Members who are native Roanokers, Mayor Smith, Council Member Fitzpatrick and Vice-Mayor Harris, who want to keep Victory Stadium, and for their vote to publicly reopen the Victory Stadium issue for discussion. He referred to another beloved historical landmark which was about to be destroyed, Jefferson High School; however, the late Judge Beverly T. Fitzpatrick, Sr., almost single handedly saved Jefferson High School from being town down and the citizens of Roanoke are now in his debt and they are proud of the restored Jefferson Center. Therefore, he suggested that Council Member Fitzpatrick, son of the late Judge Fitzpatrick, step forward and follow in the footsteps of his father in regard to Victory Stadium.

PAY PLAN-COMPLAINTS-CITY EMPLOYEES: Mr. Robert Gravely, 3360 Hershberger Road, N. W., expressed concern with regard to the City's aging infrastructure, the need for more jobs for Roanokers, and the provision of adequate wages for City employees.

The being no further business, at 8:10 p.m., the Mayor declared the meeting adjourned.

APPROVED

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
